

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	PRELIMINARY ORDER OF
- v. -	:	FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
JOHN COSTANZO JR.,	:	
	:	22 Cr. 281 (JPO)
Defendant.	:	
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WHEREAS, on or about May 18, 2022, JOHN COSTANZO JR. (the “Defendant”), and another, was charged in four counts of a five-count Indictment, 22 Cr. 281 (JPO) (the “Indictment”), with conspiracy to bribe a public official, in violation of Title 18, United States Code, Section 371 (Count One); public official accepting a bribe, in violation of Title 18, United States Code, Section 201(b)(1)(C) and 2 (Count Two); conspiracy to commit honest services wire fraud, in violation of Title 18, United States Code, Section 1349 (Count Four); and honest services wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Five);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Five of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of all property, real and personal, which constitutes or is derived from proceeds traceable to the commission of the offenses alleged in Counts One through Five including but not limited to a sum of money in United States currency, representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Five of the Indictment;

WHEREAS, on or about November 8, 2023, the Defendant was found guilty, following a jury trial, with respect to Counts One, Two, Four and Five of the Indictment;

WHEREAS, the Government asserts that \$98,250 in United States currency represents proceeds traceable to the offenses charged in Counts One, Two, Four and Five, that the Defendant personally obtained; and

WHEREAS, the Government seeks a money judgment in the amount of \$98,250 in United States currency, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), representing the proceeds traceable to the offenses charged in Counts One, Two, Four and Five that the Defendant personally obtained; and

WHEREAS, the Court finds that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One, Two, Four and Five that the Defendant personally obtained, cannot be located upon the exercise of due diligence.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offenses charged in Counts One, Two, Four and Five of the Indictment, a money judgment in the amount of \$98,250 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged in Counts One, Two, Four and Five of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant JOHN COSTANZO JR., and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals

Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Illicit Finance and Money Laundering Unit, 26 Federal Plaza, 38th Floor, New York, New York 10278 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.


5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

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7. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

SO ORDERED:


HONORABLE J. PAUL OETKEN
UNITED STATES DISTRICT JUDGE

4/24/2024
DATE